

SUBSTITUTE FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
13287-002001

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If Known, see 37 CFR 1.5)

09/869272

INTERNATIONAL APPLICATION NO.
PCT/EP99/10482INTERNATIONAL FILING DATE
30 December 1999PRIORITY DATE CLAIMED
30 December 1998TITLE OF INVENTION
ROCKING TOY FOR CHILDRENAPPLICANT(S) FOR DO/EO/US
Jost-Ulrich Kuegler

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern other documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

☐
☐
☐
☐
☐

CERTIFICATE OF MAILING BY EXPRESS MAIL

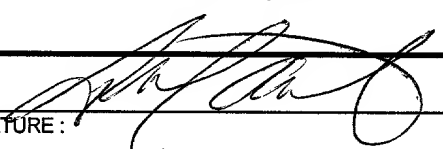
Express Mail Label No. EL85174778008

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231

6-26-2001
 Date of Deposit


 Signature

 Joshua Cravin
 Typed Name of
 Person Signing

U.S. APPLICATION NO. (IF KNOWN) 09/869272		INTERNATIONAL APPLICATION NO. PCT/EP99/10482		ATTORNEY'S DOCKET NUMBER 13287-002001	
17. <input type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)- (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1000 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$710 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	15 - 20 =	0	x \$18	\$0.00	
Independent Claims	1 - 3 =		x \$80	\$0.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$270	\$270.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$565.00	
SUBTOTAL =				\$565.00	
Processing fee of \$130 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00	
TOTAL NATIONAL FEE =				\$565.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$0.00	
TOTAL FEES ENCLOSED =				\$565.00	
				Amount to be refunded: \$	
				Charged: \$	
a. <input checked="" type="checkbox"/> A check in the amount of \$565.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Timothy A. French FISH & RICHARDSON P.C. 225 Franklin Street Boston, MA 02110-2804 (617) 542-5070 phone (617) 542-8906 facsimile				SIGNATURE: 	
				NAME Timothy A. French	
				REGISTRATION NUMBER 30,175	

JC18 Rec'd PCT/PTO 26 JUN 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jost-Ulrich Kuegler Art Unit : Unknown
Serial No. : Examiner : Unknown
Filed :
Title : ROCKING TOY FOR CHILDREN

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as follows:

In the specification:

Section heading before paragraph beginning at page 1, line 11 has been amended as follows:

--Background of the Invention--

Section heading before paragraph beginning at page 2, line 26 has been amended as follows:

--Summary of the Invention--

Paragraph beginning at page 2, line 26 has been amended as follows:

--According to the invention, the object is achieved by a children's rocking toy, in particular in the form of a stylized horse, having a one-piece basic body made of flexible

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 856747780US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

June 26, 2001

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Joshua B. Cronin
Joshua Cronin

synthetic material, a simply curved rocking surface forming the base of the rocking toy and a seat region molded into it. Expedient further refinements of the rocking toy include one of more the following. The basic body widens in its cross section towards the base. The seat region is molded into the basic body to an extent sufficient to provide a backrest region. The basic body has, at its two longitudinal end regions, two curvatures in the form of a horse's head and a horse's rear part, respectively, with the vertical height of both curvatures being greater than the vertical height of the seat region, so that they form an additional support for a child sitting in the seat region. The material forming the basic body is of a Shore hardness sufficient for the basic body, on the one hand, to have sufficient stability when rocking and, on the other hand, can be deformed in a sufficiently flexible manner so that it yields when a child is resting on one of its side surfaces. The flexible synthetic material is a foam. The basic body is manufactured, in particular cut, from a foam block. The rocking surface has a non-slip backing made of leather or imitation leather. The basic body is covered with a material covering. The seat region has a leather layer as the saddle. The backing is connected to the basic body by a touch-and-close or zip fastener or is buttoned to it (press-stud) or by a strap (or leather strap) with an overhang and eyelet for exchanging or for cleaning or washing purposes. The horse's head has a mane and ears designed as grips, and the horse's rear part has a tail. The horse's rear part has a tail made from the material covering. The tail and the mane of the horse's head consist of real, artificial or stylized hairs. The mane of the horse's head is designed as a pattern imprinted into the material covering. The basic body, which consists of a foam, has, for stabilization purposes, a core that consists of foams of expandable polystyrene.--

Section heading before paragraph beginning at page 4, line 14 has been added as follows:

--Description of Drawings--

Section heading before paragraph beginning at page 4, line 19 has been added as follows:

--Description of Preferred Embodiment--

In the claims:

Amend claims 1-13, as follows:

--1. (Amended) Children's rocking toy in the form of a stylized horse, having a one-piece basic body made of flexible synthetic material which has a simply curved rocking surface forming the base of the rocking toy and a seat region molded into it, the basic body forming in its tipped over side position a reclining or sleeping base for a child, characterized in that the seat region is molded a good distance into the basic body and thereby forms a backrest region, in that the basic body has, at its two longitudinal end regions, two curvatures in the form of a horse's head and of a horse's rear part, respectively, with the height of both curvatures being greater than the depth of the molded-in seat region, as a result of which an additional support for a child sitting in the seat region is formed, in that the cross section of the basic body widens from its upper, narrow side, which forms the horse's head, seat region and horse's rear part, towards the curved rocking surface in a continuous and uniform contour of the side surfaces, and in that the rocking surface has a non-slip backing made of leather or imitation leather. --

--2. (Amended) Children's rocking toy according to Claim 1, characterized in that the flexible synthetic material is of a Shore hardness sufficient for the basic body, on the one hand, to have sufficient stability when rocking and, on the other hand, can be deformed in a sufficiently flexible manner so that it yields when a child is resting on one of its side surfaces.--

--3. (Amended) Children's rocking toy according to Claim 1 or 2, characterized in that the flexible synthetic material is a foam.--

--4. (Amended) Children's rocking toy according to Claim 1 or 2, characterized in that the basic body has a core whose material is harder than the flexible synthetic material surrounding it. --

--5. (Amended) Children's rocking toy according to Claim 4, characterized in that the basic body has a core whose material is harder than the flexible synthetic material surrounding it, the core of the basic body consisting of foams made of expanded polystyrene.--

--6. (Amended) Children's rocking toy according to Claim 3, characterized in that the basic body is manufactured, in particular cut, from a foam block.--

--7. (Amended) Children's rocking toy according to Claim 1, characterized in that the basic body is covered with a material covering.--

--8. (Amended) Children's rocking toy according to Claim 1, characterized in that the seat region has a leather layer as the saddle.--

--9. (Amended) Children's rocking toy according to Claim 1, characterized in that the backing is connected to the basic body by a touch-and-close or zip fastener or is buttoned to it or by a strap with an overhang and eyelet for exchanging or for cleaning or washing purposes.--

--10. (Amended) Children's rocking toy according to Claim 1, characterized in that the horse's head has a mane and ears designed as grips, and the horse's rear part has a tail.--

--11. (Amended) Children's rocking toy according to Claim 1, characterized in that the horse's rear part has a tail made from the material covering.--

--12. (Amended) Children's rocking toy according to Claim 10, characterized in that the tail and the mane of the horse's head consist of real, artificial or stylized hairs.--

--13. (Amended) Children's rocking toy according to Claim 8, characterized in that the mane of the horse's head is designed as a pattern imprinted into the material covering. --

REMARKS


Claims 1-13 are pending in this application. These claims were substituted for the original claims of the published International application during International preliminary examination and appeared as an Annex to the International Preliminary Examination Report. All of the claims have been amended herein, including to delete unnecessary reference numerals and to eliminate improper multiple dependencies (claims 4 and 5). The specification has also been amended, including to add preferred section headings and to replace improper mention of the claims in the summary with the language of the original claims. We submit that no new matter has been introduced.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be examined. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 26, 2001



Timothy A. French
Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Version with markings to show changes made

In the specification:

Section heading before paragraph beginning at page 1, line 11 has been amended as follows:

[Prior Art] --Background of the Invention--

Section heading before paragraph beginning at page 2, line 26 has been amended as follows:

[Achievement] --Summary of the Invention--

Paragraph beginning at page 2, line 26 has been amended as follows:

--According to the invention, the object is achieved by a children's rocking toy, in particular in the form of a stylized horse, having a one-piece basic body made of flexible synthetic material, a simply curved rocking surface forming the base of the rocking toy and a seat region molded into it [according to Claim 1]. Expedient further refinements of the rocking toy include one of more the following. The basic body widens in its cross section towards the base. The seat region is molded into the basic body to an extent sufficient to provide a backrest region. The basic body has, at its two longitudinal end regions, two curvatures in the form of a horse's head and a horse's rear part, respectively, with the vertical height of both curvatures being greater than the vertical height of the seat region, so that they form an additional support for a child sitting in the seat region. The material forming the basic body is of a Shore hardness sufficient for the basic body, on the one hand, to have sufficient stability when rocking and, on the other hand, can be deformed in a sufficiently flexible manner so that it yields when a child is resting on one of its side surfaces. The flexible synthetic material is a foam. The basic body is manufactured, in particular cut, from a foam block. The rocking surface has a non-slip backing made of leather or imitation leather. The basic body is covered with a material covering. The seat region has a leather layer as the saddle. The backing is connected to the basic body by a touch-and-close or zip fastener or is buttoned to it (press-stud) or by a strap (or leather strap) with an overhang and eyelet for exchanging or for cleaning or washing purposes. The horse's head has a mane and ears designed as grips, and the horse's rear part has a tail. The horse's rear part has a

tail made from the material covering. The tail and the mane of the horse's head consist of real, artificial or stylized hairs. The mane of the horse's head is designed as a pattern imprinted into the material covering. The basic body, which consists of a foam, has, for stabilization purposes, a core that consists of foams of expandable polystyrene. [according to the invention emerge from Claims 2 to 16].--

Section heading before paragraph beginning at page 4, line 14 has been added as follows:

--Description of Drawings--

Section heading before paragraph beginning at page 4, line 19 has been added as follows:

--Description of Preferred Embodiment--

In the claims:

Claims 1-13, substituted during International Preliminary Examination, and attached as an Annex to the International Preliminary Examination Report, have been amended as follows:

--1. (Amended) Children's rocking toy in the form of a stylized horse, having a one-piece basic body [(1)] made of flexible synthetic material which has a simply curved rocking surface [(2)] forming the base of the rocking toy and a seat region [(3)] molded into it, the basic body [(1)] forming in its tipped over side position a reclining or sleeping base for a child, characterized in that the seat region [(3)] is molded a good distance into the basic body [(1)] and thereby forms a backrest region [(8)], in that the basic body [(1)] has, at its two longitudinal end regions, two curvatures [(9, 10)] in the form of a horse's head [(4)] and of a horse's rear part [(5)], respectively, with the height of both curvatures being greater than the depth of the molded-in seat region [(3)], as a result of which an additional support for a child sitting in the seat region [(3)] is formed, in that the cross section of the basic body [(1)] widens from its upper, narrow side, which forms the horse's head [(4)], seat region [(3)] and horse's rear part [(5)], towards the curved rocking surface [(2)] in a continuous and uniform contour of the side surfaces, and in that the rocking surface [(2)] has a non-slip backing [(2a)] made of leather or imitation leather. --

--2. (Amended) Children's rocking toy according to Claim 1, characterized in that the flexible synthetic material is of a Shore hardness sufficient for the basic body [(1)], on the one

hand, to have sufficient stability when rocking and, on the other hand, can be deformed in a sufficiently flexible manner so that it yields when a child is resting on one of its side surfaces.--

--3. (Amended) Children's rocking toy according to Claim 1 or 2, characterized in that the flexible synthetic material is a foam.--

--4. (Amended) Children's rocking toy according to Claim 1 or 2 [one of Claims 1 to 3], characterized in that the basic body [(1)] has a core whose material is harder than the flexible synthetic material surrounding it. --

--5. (Amended) Children's rocking toy according to Claim 4 [which refers back to Claim 3], characterized in that the basic body has a core whose material is harder than the flexible synthetic material surrounding it, the core of the basic body consisting [consists] of foams made of expanded polystyrene.--

--6. (Amended) Children's rocking toy according to Claim 3, characterized in that the basic body [(1)] is manufactured, in particular cut, from a foam block.--

--7. (Amended) Children's rocking toy according to Claim 1, characterized in that the basic body [(1)] is covered with a material covering.--

--8. (Amended) Children's rocking toy according to Claim 1, characterized in that the seat region [(3)] has a leather layer as the saddle.--

--9. (Amended) Children's rocking toy according to Claim 1, characterized in that the backing [(2a)] is connected to the basic body [(1)] by a touch-and-close or zip fastener or is buttoned to it [(press-stud)] or by a strap [(or leather strap)] with an overhang and eyelet for exchanging or for cleaning or washing purposes.--

--10. (Amended) Children's rocking toy according to Claim 1, characterized in that the horse's head [(4)] has a mane [(7)] and ears [(11) which are] designed as grips, and the horse's rear part [(5)] has a tail [(6)].--

--11. (Amended) Children's rocking toy according to Claim 1, characterized in that the horse's rear part [(5)] has a tail [(6)] made from the material covering.--

--12. (Amended) Children's rocking toy according to Claim 10, characterized in that the tail [(6)] and the mane [(7)] of the horse's head [(4)] consist of real, artificial or stylized hairs.--

--13. (Amended) Children's rocking toy according to Claim 8, characterized in that the mane [(7)] of the horse's head [(4)] is designed as a pattern [which is] imprinted into the material covering.--

13287-002001 / K27520PCUS

JC18 Rec'd PCT/PTO 2 6 JUN 2001

APPLICATION
FOR
UNITED STATES LETTERS PATENT

TITLE: ROCKING TOY FOR CHILDREN
APPLICANT: JOST-ULRICH KUEGLER

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 856747780US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

June 26, 2001

Date of Deposit

Signature

Joshua Cronin
Typed or Printed Name of Person Signing Certificate

PCT/EP99/10482
Jost-Ulrich Kügler

K27520PC

5

Children's rocking toy

The invention relates to a toy for children.

Prior Art

10

Toys for rocking purposes which are in the form of an animal simulation and on which the child can sit are known. In most cases, the animal is fitted with the runners onto a cradle or onto an undercarriage. German utility model 7403367 discloses a toy which comprises a cradle as the supporting part and a seat which is arranged thereon in the form of an animal figure, with the cradle consisting of a padded body on which the seat is fixed. In this case, the cradle and the seat may consist of a padded body covered by a covering. A U-shaped stiffening frame in the cradle ensures that the toy has a certain stability. German utility model 32987 discloses a one-piece, self-supporting rocking and reclining chair made of foam, in which the angle between the leg and seat surface is more than 90°.

In the case of the known toy there is a considerable risk of injury when children slip under the cradle runners or become caught in the cradle frame. One design, in which the animal skin rests on a padded cradle, results in restricted leg freedom for the child. If the toy is made correspondingly larger, then it is so heavy that the child can only make it rock with difficulty. The stiffening frame in the cradle for stabilization purposes also results in an increase in the overall weight.

Finally, when used by small children the cradle may come into contact with items of furniture and knock them over or damage them in some other manner.

- 5 It is also a problem that children who lean too far backwards may fall from the seat, which entails the risk of injuries.

10 The shaping of the known padded body is brought about by the cut of the covering, and hence the existing seams may tear. There is then the risk of small children swallowing or breathing in the padding material. In addition, the manufacturing process of this known toy is complicated.

15

Object

20 The object of the invention is to provide a children's rocking toy which can be produced easily and can be transported and with which the danger posed to its user, generally a small child, when playing and damage to adjacent items of furniture are largely eliminated.

Achievement

25

According to the invention, the object is achieved by a children's rocking toy according to Claim 1. Expedient further refinements of the rocking toy according to the invention emerge from Claims 2 to 16.

30

The advantages which can be achieved by the children's rocking toy according to the invention reside in the fact that its production is facilitated and its stability is increased by the one-piece design.

35

By means of the use of a flexible synthetic material in the production of the basic body and dimensioning of its size, on the one hand, the rocking toy can be used for a child to hop around with feet reaching down to

the floor and with his arms around the horse's neck and, on the other hand, the rocking toy can be used tipped over as a base for the child for resting on or sleeping. A child who has slipped under the rocking surface cannot be injured. Furthermore, damage to items of furniture is not possible. Contact even with relatively small items of furniture, such as vases and the like, by the rocking toy is largely harmless.

10 The molded-in seat region gives more support in particular to a small child using the rocking toy, so that the child largely avoids falling off.

15 By means of the special design of the basic body the center of gravity of the rocking toy is shifted downwards towards the supporting surface and therefore inadvertent tipping over is prevented. Intended tipping or rolling is possible without danger because of the material and design.

20 The curvatures in front of and behind the seat surface produce a good support for a child sitting astride the rocking horse. Falling of the child from the seat and resultant injury is therefore largely excluded.

25 The basic body consists essentially of a foam, specifically foam rubber (latex). This material is inexpensive and lightweight in comparison to wood, for example. Compared to soft textile cushions a foam body does not show a tendency to infestation by house mites and is consequently especially suitable for households in which there are people with allergies. Since it absorbs hardly any liquid, it is easy to disinfect and is also suitable for damp locations. An advantageously used covering permits the child's skin to be aerated and prevents excessive formation of sweat on the contact surface between the skin and rocking toy.

In an advantageous refinement of the invention the basic body has a core. The material of this core is harder than the material of the basic body which surrounds the core. The core material is preferably particle foams made of expandable polystyrene (for example styropor). The core brings about an additional increase in the stability without substantially increasing the weight of the rocking toy.

10 An embodiment of the rocking toy according to the invention is explained in greater detail below with reference to the attached drawing, in which:

Fig. 1 shows a perspective view of the rocking toy,

15 Fig. 2 shows, perspectively, the rocking toy, according to Fig. 1 lying on a side surface.

The rocking toy according to Fig. 1 has the form of a stylized horse having a one-piece basic body 1 made of a flexible foam and a simply curved rocking surface 2 and also a seat region 3 molded into it. The basic body 1 widens in its cross section towards the base. The seat region 3 is molded into the basic body 1 to an extent sufficient to provide a backrest region 8. The basic body 1 has two curvatures 9, 10, one on each side of the seat region 3, which curvatures are designed as a horse's head 4 and as a horse's rear part 5. These curvatures 9, 10 form an additional support for the child sitting in the seat region 3. The Shore hardness of the foam of the basic body 1 is selected in such a manner that the basic body, on the one hand, has sufficient stability during rocking (Fig. 1), and, on the other hand, adequately yields in order to provide a comfortable base for a child lying on a side surface of the rocking toy (Fig. 2). The basic body 1 is manufactured, for example cut, from a foam block, or is cast in a mold. In a further embodiment, the basic body is enclosed by a slip-on cover.

In the case of the rocking toy according to Fig. 2, a side surface is used as a sleeping base for the child. It is also possible to manufacture the rocking toy in such a manner that it can be recognized as a black horse, brown horse, fox, white horse or zebra.

A non-slip backing 2a is provided on the rocking surface. The tail 6 and mane 7 of the horse are manufactured from artificial hairs. In a further embodiment (not shown), the tail 6 and mane 7 are manufactured from stylized hairs (for example, from cord). The horse's head 4 also has two laterally fitted eyes, either as depressions in the basic body (as shown in Figs. 1 and 2) or in the form of two eyes sewn on at the sides or set in (not shown). A bridle 12 is placed around the horse's head 4. If appropriate, the seat region 3 can be covered by a saddle (not shown). The horse's head is also provided with ears 11 which are used as grips.

PCT/EP 99/10482
Jost-Ulrich Kügler

4 August 2000
K27520PC DO/sh

5

New Patent claims

1. Children's rocking toy in the form of a stylized horse, having a one-piece basic body (1) made of flexible synthetic material which has a simply curved rocking surface (2) forming the base of the rocking toy and a seat region (3) molded into it, the basic body (1) forming in its tipped over side position a reclining or sleeping base for a child, characterized in that the seat region (3) is molded a good distance into the basic body (1) and thereby forms a backrest region (8), in that the basic body (1) has, at its two longitudinal end regions, two curvatures (9, 10) in the form of a horse's head (4) and of a horse's rear part (5), respectively, with the height of both curvatures being greater than the depth of the molded-in seat region (3), as a result of which an additional support for a child sitting in the seat region (3) is formed, in that the cross section of the basic body (1) widens from its upper, narrow side, which forms the horse's head (4), seat region (3) and horse's rear part (5), towards the curved rocking surface (2) in a continuous and uniform contour of the side surfaces, and in that the rocking surface (2) has a non-slip backing (2a) made of leather or imitation leather.
2. Children's rocking toy according to Claim 1, characterized in that the flexible synthetic material is of a Shore hardness sufficient for the basic body (1), on the one hand, to have sufficient stability when rocking and, on the other hand, can be deformed in a sufficiently

flexible manner so that it yields when a child is resting on one of its side surfaces.

- 5 3. Children's rocking toy according to Claim 1 or 2,
 characterized in that the flexible synthetic
 material is a foam.
- 10 4. Children's rocking toy according to one of Claims
 1 to 3, characterized in that the basic body (1)
 has a core whose material is harder than the
 flexible synthetic material surrounding it.
- 15 5. Children's rocking toy according to Claim 4 which
 refers back to Claim 3, characterized in that the
 core of the basic body consists of foams made of
 expanded polystyrene.
- 20 6. Children's rocking toy according to Claim 3,
 characterized in that the basic body (1) is
 manufactured, in particular cut, from a foam
 block.
- 25 7. Children's rocking toy according to Claim 1,
 characterized in that the basic body (1) is
 covered with a material covering.
- 30 8. Children's rocking toy according to Claim 1,
 characterized in that the seat region (3) has a
 leather layer as the saddle.
- 35 9. Children's rocking toy according to Claim 1,
 characterized in that the backing (2a) is
 connected to the basic body (1) by a touch-and-
 close or zip fastener or is buttoned to it (press-
 stud) or by a strap (or leather strap) with an
 overhang and eyelet for exchanging or for cleaning
 or washing purposes.

10. Children's rocking toy according to Claim 1,
characterized in that the horse's head (4) has a
mane (7) and ears (11) which are designed as
grips, and the horse's rear part (5) has a tail
(6).

11. Children's rocking toy according to Claim 1,
characterized in that the horse's rear part (5)
has a tail (6) made from the material covering.

12. Children's rocking toy according to Claim 10,
characterized in that the tail (6) and the mane
(7) of the horse's head (4) consist of real,
artificial or stylized hairs.

13. Children's rocking toy according to Claim 8,
characterized in that the mane (7) of the horse's
head (4) is designed as a pattern which is
imprinted into the material covering.

Abstract

Children's rocking toy, in particular in the form of a stylized horse, having a one-piece basic body made of flexible synthetic material, a simply curved rocking surface forming the base of the rocking toy and a seat region molded into it. In one refinement, the seat region is molded into it to a sufficient depth that a backrest region is produced. The rocking toy has a horse's head and a horse's rear part which serves as a support for a child situated in the seat. The basic body can consist of foam, in particular of foam rubber. In this case, the basic body is of a Shore hardness sufficient for it to have sufficient stability for rocking and to yield when a child is lying on a side surface of the toy. For further stabilization purposes, the basic body widens in its cross section towards the base. The basic body is preferably manufactured from a foam block and, for further refinement, can have a material covering, if appropriate a slip-on cover.

20274700.doc

1/1

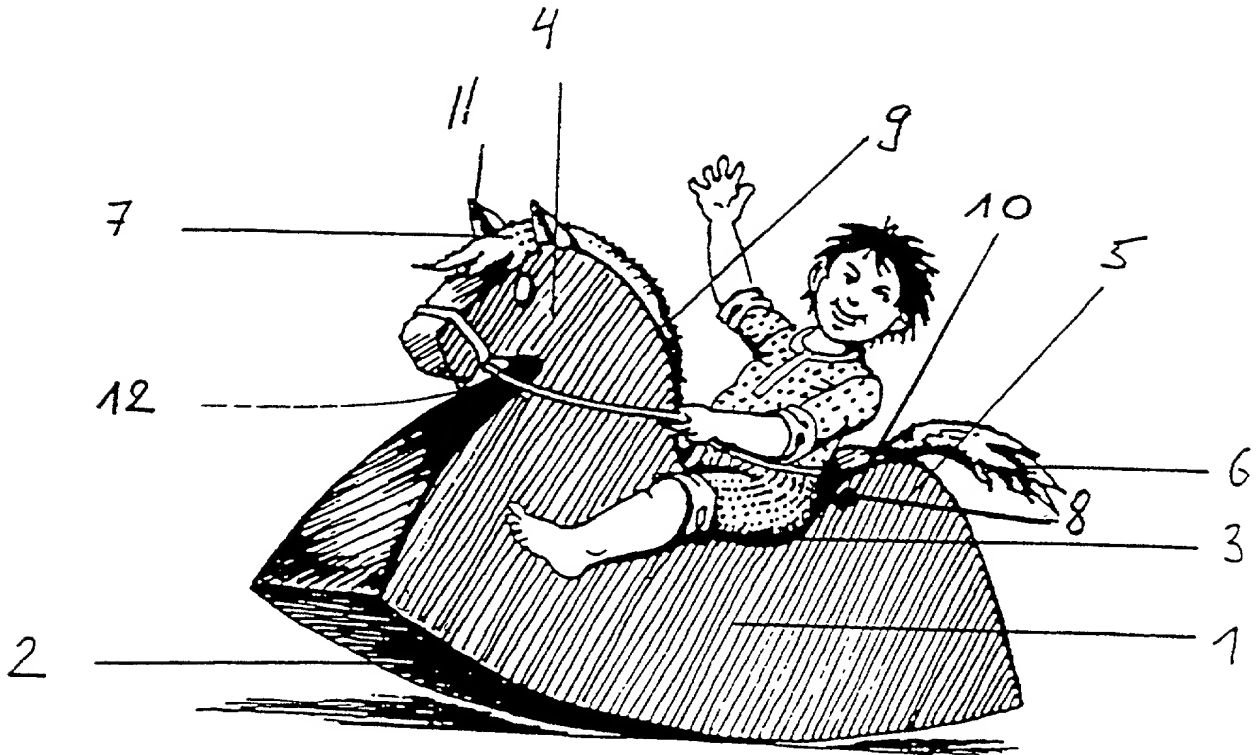


Fig. 1

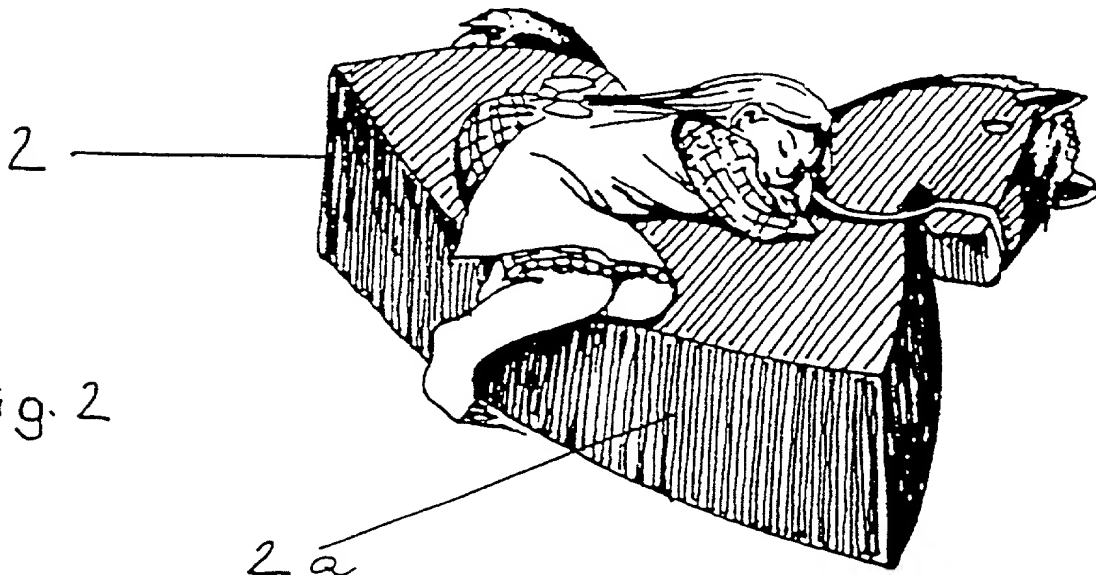


Fig. 2

Attorney's Docket No.: 13287-002001

Client's Ref. No.: K27520PCUS DO/bp

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ROCKING TOY FOR CHILDREN, the specification of which:

- ☐ is attached hereto.
☐ was filed on _ as Application Serial No. _ and was amended on _
☒ was described and claimed in PCT International Application No. PCT/EP99/10482 filed on 30 December 1999 and as amended under PCT Article 19 on _.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
-----------------	-------------	--------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
PCT/EP99/10482	December 30, 1999	Pending

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
Germany	198 60 830.6	December 30, 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Timothy A. French, Reg. No. 30,175
 David L. Feigenbaum, Reg. No. 30,378

William E. Booth, Reg. No. 28,933
 John F. Hayden, Reg. No. 37,640

4

Attorney's Docket No.: 13287-002001
Client's Ref. No.: K27520PCUS DO/bp

Combined Declaration and Power of Attorney
Page 2 of 2 Pages

Address all telephone calls to TIMOTHY A. FRENCH at telephone number (617) 542-5070.

Address all correspondence to TIMOTHY A. FRENCH at:

FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: JOST-ULRICH KUEGLER

Inventor's Signature:

Residence Address:

Citizenship:

Post Office Address:

Essen

Germany DEX

Im Teelbruch 61

D-45219 Essen

GERMANY

Date: 25.06.2001

20274566.doc